

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54590 of 2025

Arising Out of PS. Case No.-88 Year-2024 Thana- PHENHARA District- East Champaran

Vicky Mahto @ Bikki Mahato S/o Bhola Mahto R/o Village- Chauhan
Chapara, P.S.- Phenhara, Distt.- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Radhika Devi W/o Indrajit Mahto R/o vill and Post - Mankarwan, P.S.-
Phenhara, Distt.- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar

For the Opposite Party/s : Mr.Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 09-10-2025 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in anticipation of his arrest in
a case registered for the offences punishable under Sections 139,
140(3), 115, 126(2), 352, 351(2), 3(5) B.N.S. and later on Section 64
of the B.N.S. and Sections 4 and 6 of the POCSO Act.

3. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and the
informant alleges that petitioner on pretext of false promise of
marriage established physical relation with her minor daughter
aged about 14 years.

4. The learned counsel for the petitioner submits that
petitioner has been falsely implicated in the instant case by the



informant. It is next submitted that the informant in the FIR has wrongly recorded the age of the victim as 14 years based on her date of birth recorded in the AADHAR Card, which is not a valid document. It is further submitted that even the learned Magistrate assessed the age of the victim as 13 years, but then, a Medical Board was constituted for determining the age of the victim and the Board assessed the age of the victim in between 17-18 years. It is further submitted that victim has come back and her statement was recorded under Section 183 of the BNSS wherein she has not supported the case of the prosecution rather has stated that she, on her own volition, had accompanied the petitioner but later father of the petitioner brought her back home. It is also submitted that victim has not alleged that petitioner exploited her physically.

5. Learned A.P.P. opposes the anticipatory bail application, but then, is not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that victim in her statement recorded under Section 183 of BNSS has not supported the case of the prosecution..

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below



within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 7th Additional District & Sessions Judge-cum-Special Judge, POCSO Act, East Champaran, Motihari in connection with Phenhara P. S. Case No.88 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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